



AN ACT
TO
INCORPORATE
THE
NEW CITY GAS COMPANY
OF
MONTREAL.

10 AND 11 VICTORIÆ, CAP. 79.



Montreal:

LOVELL PRINTING AND PUBLISHING COMPANY.

1875.

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ANNO DECIMO ET UNDECIMO.

VICTORIÆ REGINÆ.

CAP. LXXIX.

An Act to incorporate *The New City Gas Company of Montreal.*

[28th July, 1847.]

WHEREAS the great and increasing ^{Preamble} extent of the City of Montreal, and the great demand for a cheap and effective mode of lighting the Public Squares, Streets and Places in the said City, as well as the Shops and private Dwellings therein, render it desirable that more than one Company should be established for the purpose of furnishing Gas for the lighting of the said City; And whereas the several persons here-

inafter named, have by their petition prayed that they and such others as may be hereafter associated with them in their undertaking, may be incorporated under the style and title hereinafter also mentioned, for the purpose of supplying the said City with Gas in greater quantity, of better quality, and at a cheaper rate, than the same hath heretofore been supplied ; And whereas the Mayor, Aldermen and Citizens of the City of Montreal, have signified their assent to the establishment of the said Company, and to their having the powers hereinafter given them with regard to the opening of the streets and other matters connected with the establishment, locality and construction of these works ; And whereas a considerable proportion of the shares of stock of the said Company hath been already subscribed for, and at a General Meeting of the holders of such stock, held on the eighth day of the month of May, in the present year, pursuant to public notice given in that behalf, the following persons were duly elected as Directors to manage the affairs of the said Company for one year from the date of such election : namely, John Mathewson, William Lunn, James Ferrier, David Kinnear, Dugald Stewart, Alexander Urquhart, Archibald McFarlane, Thomas Molson, Joseph Savage, James Scott, George D. Watson, Henry Mulholland, and Canfield Dorwin ; and at a subsequent meeting of the Directors above mentioned, they did from among

their own number elect the said John Mathewson to be President, and the said William Lunn to be Vice-President of the said Company; and the said Petitioners desire that the above named Directors, President and Vice-President should continue in office and be confirmed as such Directors, President and Vice-President, until others shall be elected in their stead under the provisions hereinafter made; And whereas it is expedient to grant the prayer of the said Petitioners: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That John Mathewson, Thomas Molson, William Lunn, James Ferrier, David Kinnear, Joseph Savage, George D. Watson, William Molson, William Parkyn, Johnston Thompson, Andrew Dow, George McDonald, Miles Williams, Carter, Robinson and Company, John Armour, James Scott, Archibald Macfarlane, Canfield Dorwin, Dugald Stewart, Alexander Simpson, Thomas Kay, David Torrance, Thomas H. Bryson, John Eadie, William Murray, Robert Camp-

Certain persons incorporated.

Corporate
name and
powers.

Property.

Proviso: for
what purposes
and to what
value the

bell, Alexander Urquhart, and Henry Mulholland, or such of them, and such other persons as now are, or shall hereafter become Shareholders in the Company hereby established, shall be, and are hereby ordained and constituted a body politic and corporate, by the name of *The New City Gas Company of Montreal*, and by that name they and their successors being such Shareholders, shall and may have perpetual succession and a common seal with full power to make, change, break or alter the same at pleasure; and shall and may by the same name, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all Courts and places whatsoever, and shall and may have full power to purchase, take and hold personal property, and lands, tenements and other real property for the purposes of the said Company, and for the erection, construction and convenient use of the Gas Works hereinafter mentioned, and also to alienate such personal property, lands and other property, and others to purchase, take and hold in their stead, for the purposes and uses aforesaid; and that any person or persons, body or bodies politic or corporate may give, grant, sell, bargain or convey to the said Company any lands, tenements or hereditaments for the purposes aforesaid, and the same may re-purchase from the said Company: Provided always, that such lands, tenements and hereditaments to be holden by the said Company,

shall be so holden for the purposes and business of the said Company, as set forth in this Act, and for constructing their necessary works for and about the same, and for no other purposes whatsoever; and that the total yearly value of the lands and real property to be so holden at any one time, shall not (over and above the value of the works thereon erected) exceed *ten* thousand pounds currency.

II. And be it enacted, That the said Company may raise and contribute among themselves, such sum as shall not exceed the sum of twenty-five thousand pounds currency, in shares of ten pounds currency each; and the money so raised shall be appropriated to the purpose of constructing, completing and maintaining their said Gas Works, and to the purposes of this Act, and to no other object or purpose whatever: Provided always, that if the said sum of twenty-five thousand pounds currency should be found insufficient for the purposes of this Act, it shall be lawful for the said Company to increase their Capital Stock by a further sum not exceeding twenty-five thousand pounds currency, either among themselves or by the admission of new shareholders, such new stock being divided into shares of ten pounds currency each: Provided also, that in the event of difficulty arising in procuring subscribers for such increase of capital, it shall be lawful for the President and Directors, for the time then being, of the said Company, to borrow a sum

company may hold real property.

Capital of the Company.

Increase allowed if necessary.

Power to borrow and pledge their property.

or sums of money, for the purposes aforesaid, not exceeding the sum of *one hundred thousand pounds* currency, and to pledge and hypothecate the property and income of the said Company for the re-payment of the sum so borrowed and the interest thereon.

Present Directors and Officers continued for a certain time.

III. And be it enacted, That the President, Vice-President, and Directors hereinbefore named, shall continue in office until the first Monday in March, in the year of our Lord one thousand eight hundred and forty-nine, or until the next General Election, if no Election be had on that, day, unless they shall sooner resign, be removed or become disqualified under the provisions of this Act.

Annual General meeting when to be held.

IV. And be it enacted, That the first General Meeting of the subscribers to the Stock of the said Company, shall be held on the first Monday in March, in the year of our Lord one thousand eight hundred and forty-nine, and a General Meeting on the *first juridical day in the first week of the month of April in each year, from and after the passing of present Act*, and at such place and hour as shall be appointed by the By-laws of the Company then in force, to choose by ballot and by a majority of votes, thirteen persons, being each a proprietor of not less than ten shares in the Stock of the said Company, as Directors for managing the affairs of the said Company; which thirteen Directors shall continue in office until the next General Election of Directors.

V. And be it enacted, That any five of the said Directors shall form a *quorum* for the transaction of business, and any majority of such *quorum*, assembled according to the provisions of this Act and the By-laws of the Company then in force, may exercise any or all of the powers hereby vested in the Directors; and the President, or in his absence the Vice-President, or in the absence of both, a Chairman chosen by the Directors present *pro tempore*, shall preside at the meetings of the Directors; Provided always, that no person being a shareholder in any other Gas Company formed for the purpose of furnishing Gas to the said City shall be a Director of the Company hereby established.

Quorum of Directors established.

Who shall preside.

Proviso: Directors not to be members of any other Gas Company.

VI. And be it enacted, That at the General Meeting of the Shareholders to be held annually, for the purpose of electing Directors as aforesaid, *on the first juridical day of the month of April* in each year, and before the election of new Directors, the Directors of the then past year shall exhibit a full and unreserved statement of the affairs of the Company, of the funds, property and debts due to and by the said Company, which said statement shall be certified by the President or Vice-President under his hand and seal: Provided always, that and in the event of there being no election of Directors on the *first juridical day of the month of April* in any year, in consequence of the said shareholders neglecting to attend in conformity with the requirements of this Act, or from any other

Statements to be submitted at Annual Meetings.

Proviso: for failure of election at any time.

cause, then and in that case the Directors of the previous year, shall continue and remain in office until an election shall take place at a future Special Meeting of the said Shareholders, to be called for that purpose in the manner provided by the By-laws of the Company then in force.

Directors to elect a President and a Vice-President.

Vacancies, how to be filled.

Proviso.

Powers of the Directors.

VII. And be it enacted, That the Directors elected as aforesaid, shall at their first meeting after such election, choose out of their number a President and Vice-President, who shall hold their offices, respectively until the then next election of Directors: and it shall be lawful for the said Directors from time to time in case of death, resignation, absence from the Province, disqualification, (and any person disqualified to be elected shall be disqualified from remaining in office), or the removal of any person so chosen to be President or Vice-President, or Director, or either of them, to choose in their or his stead, from among the said Directors another person or persons to be President or Vice-President, or from amongst the other shareholders another person or persons to be Director or Directors, respectively, to continue in office until the next annual election as foresaid: Provided always, that the Directors shall always vote *per capita*, and not according to the number of shares they hold; and the President or person presiding at any meeting of the Directors or of the Shareholders shall have a casting vote only.

VIII. And be it enacted, That the Direc-

tors shall and may have the power to appoint a Manager, Clerks and such other persons as may appear to them necessary for carrying on the business of the said Company, with such powers and duties, salaries and allowances to each as shall seem meet and advisable,—and also shall and may have the power By-laws. to make or repeal or alter such By-laws to be binding upon members of the Company or their servants, as shall appear to them proper and needful, touching the well-ordering of the said Company, the management and disposition of its stock, property, estate and effects, the calling of special meetings of its Shareholders or of meetings of the Directors, and other matters connected with the proper organization of the said Company and the conduct of the affairs thereof,—and also shall and may have the power to make calls Instalments. for instalments on shares, subject to the provisions hereinafter made, and to declare such Dividends. yearly or half-yearly dividends out of the profits of the said undertaking as they may deem expedient, and to make contracts, or Contracts. by such By-laws to empower the President, Vice-President, or any Director or Officer to make contracts, on behalf of the Company, and to affix (if need be) the common seal of the Company to such contracts,—and generally to manage the affairs of the said Company, and to do or empower others to do whatever the Company may lawfully do under this Act, unless it be otherwise herein provided: Provided always, that such By-laws Proviso as to By-laws.

Proviso as to
Special Meet-
ings.

shall be in no wise inconsistent with the true intent and meaning of this Act and the powers hereby granted, nor repugnant to the Laws of this Province, and shall, before they shall have force, be approved by the Shareholders at some Annual or Special Meeting, at which such Shareholders shall have full power to alter or amend the same: And provided also, that until it be otherwise ordered by the By-laws of the Company, a Special Meeting of the Shareholders may be called by the Directors, or in their default, on being thereunto requested by at least twenty of the Stockholders being proprietors together of not less than five hundred shares of the Stock of the said Company, then by such twenty (or more, as the case may be) Stockholders; the Directors or Stockholders giving at least six weeks' notice thereof in at least two of the public newspapers of the City of Montreal, and specifying in the said notice the time and place of such meeting, together with the objects thereof.

Votes at An-
nual or Spe-
cial Meetings.

IX. And be it enacted, That Shareholders may vote by proxy duly appointed in writing or in person, and all elections shall be by ballot; and all questions to be decided at any Annual or Special Meeting of the Shareholders shall be so decided by a majority of votes; and on every occasion when the votes of the Shareholders are to be given, each Shareholder shall, if he hold one share and not exceeding two shares, have one vote; for every two shares above two and not exceed-

ing ten, one vote—making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote—making ten votes for thirty shares; for every six shares above thirty and not exceeding sixty, one vote—making fifteen votes for sixty shares; and for every eight shares above sixty and not exceeding one hundred, one vote—making twenty votes for one hundred shares; and no Shareholders shall be entitled to give a greater number of votes than twenty, and every Stockholder shall have the right, from and after the passing of this Act, to hold an unlimited number of Shares in the Capital Stock of the said Company.

X. And be it enacted, That all subscriptions for shares in the Capital Stock of the said Company, or to the undertaking for carrying out which the said Company is incorporated, shall be good and valid, and binding on the shareholder, whether made before or after the passing of this Act, and the several persons who have subscribed, or who may hereafter subscribe for shares in the said undertaking or Company, shall and they are hereby required to pay the sum or sums of money by them respectively subscribed, or such part or portions thereof as shall from time to time be called for by the Directors of the said Company, under and by virtue of the powers and directions of this Act, to such person or persons, and at such times and places as shall be directed or required by the Directors, and in case any person or per-

Subscriptions before the passing of this Act to be valid.

Recovery of subscriptions not paid up, provided for.

Averment in
any such ac-
tion.

Proof in such
action.

Amount and
periods of in-
stalments.

sons shall neglect or refuse to pay the same at the time and in manner required for that purpose, it shall be lawful for the Directors to cause the same to be sued for and recovered in any Court of law in this Province, having jurisdiction in civil cases to the amount; and in any such action, whether for the subscriptions already made, or hereafter to be made, it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is the holder of one or more shares in the stock (stating the number of shares) and is indebted to the Company in the sum to which the calls in arrear may amount; and in any such action it shall be sufficient to maintain the same, that the signature of the defendant of some book or paper by which it shall appear that such defendant subscribed for a share or a certain number of shares of the stock of the said Company or undertaking, be proved by one witness whether in the employment of the Company or not, and that the number of calls in arrear have been made, and the suit may be brought in the corporate name of the Company.

XI. And be it enacted, That no one instalment to be paid on account of the shares in the stock of the said Company shall exceed two pounds ten shillings currency on each share, and notice thereof shall be given by advertisement in the newspapers, during at least three weeks before such instalment shall be called for: Provided always, that

no instalment shall be called for except after the lapse of one calendar month from the time when the last instalment was called for; and if any person or persons shall neglect or refuse to pay his or their share of such money to be so paid in as aforesaid, at the time and place fixed and appointed by the Directors, such person or persons so neglecting or refusing may be sued as aforesaid, or at the option of the Directors shall thereby incur a forfeiture of not more than ten nor less than five per cent. on the amount of his or their respective share or shares:

and if such person or persons shall refuse or neglect to pay their proportion of the instalments demanded, for the space of two calendar months after the time fixed for the payment thereof, then and in that case such person or persons shall forfeit his or their respective share or shares upon which former instalments shall have been paid, and such share or shares shall be sold by order of the Directors, by public auction, and the proceeds of the sale, after deducting costs, and the forfeiture above mentioned, shall be paid

over to such defaulter; and the President or Manager of the Company shall have power to transfer the stock to the purchaser or purchasers thereof; Provided always, that

no advantage shall be taken of the forfeiture of any share or shares unless the same shall be declared to be forfeited at some Special Meeting of the Shareholders, assembled at any time after such forfeiture shall have

Forfeiture of
shares for
nonpayment
of instalments.

Transfer of
forfeited
shares.

Proviso: for-
feiture to be
declared at a
General or
Special meet-
ing.

been incurred; and every such forfeiture shall be an indemnification to and for every proprietor so forfeiting against all action or actions, suits or prosecutions whatever to be commenced or prosecuted for any breach of contract or other agreement between such proprietor and the other proprietors with regard to carrying on the said Gas Works.

Shares how transferable.

XII. And be it enacted, That the shares in the stock of the said Company shall be assignable and transferrable according to such rules, and subject to such restrictions and regulations as shall from time to time be made and established by the By-laws of the Company, and shall be considered as personal property, notwithstanding the conversion of the funds into real estate, and shall go to the personal representatives of such Shareholders: Provided also, that such transfer shall not be valid unless entered and registered in a book or books to be kept for that purpose in the manner provided by the said By-laws.

Proviso.

Power to break up and open the ground in streets.

XIII. And be it enacted, That it shall and may be lawful for the said Company, after two days' notice in writing to the Mayor, Aldermen, and Citizens of the City of Montreal, to break up, dig and trench so much and so many of the streets, squares and public places of the said City of Montreal as may at any time be necessary for laying down the mains and pipes to conduct the Gas from the Works of the said Company to the consumers thereof, or for taking up, renewing, altering

or repairing the same, when the said Company shall deem it expedient, doing no unnecessary damage in the premises, and taking care, as far as may be, to preserve a free and uninterrupted passage through the said streets, squares and public places while the works are in progress, and making the said openings in such parts of the said streets, squares and public places as the City Surveyor, under the direction of the Council of the said City, shall reasonably permit and point out, also placing guards or fences with lamps, and providing watchmen during the night, and taking all other necessary precautions for the prevention of accidents to passengers and others which may be occasioned by such openings; also finishing the work and replacing the said streets, squares and public places in as good condition, as before the commencement of the work, without any unnecessary delay; and in case of the neglect of any of the duties herein provided as aforesaid, the said Company shall be subject to pay a fine of one pound currency for every day such neglect shall continue, after receiving a legal or written notice thereof, to be recovered by civil action in Her Majesty's Court of Queen's Bench for the District of Montreal, at the suit of any person or persons, or of the Corporation of *The Mayor, Aldermen and Citizens of the City of Montreal*, to and for the use of the said Corporation, over and above such damages

Precautions
to be observ-
ed.

Penalty for
neglect to ob-
serve such
precautions,
and how
recoverable.

as may be recovered against the said Company by any other party.

Power to
open and
break up the
ground in
passages, &c.

XIV. And be enacted, That where there are buildings within the said City of Montreal, the different parts whereof shall belong to different proprietors, or shall be in possession of different tenant or lessees, the said Company shall have power to carry pipes to any part of any buildings so situate, passing over the property of one or more proprietors, or in possession of one or more tenants to convey the Gas to that of another, or in the possession of another, the pipes being carried up and attached to the outside of the building; and also to break up and uplift all passages which may be a common servitude to neighbouring proprietors, and to dig or cut trenches therein for the purpose of laying down pipes, or taking up or repairing the same; the said Company doing as little damage as may be, in the execution of the powers granted by this Act, and making satisfaction thereafter to the owners or proprietors of buildings or other property, or to any other party, for all damages to be by them sustained in or by the execution of all or any of the said powers, subject to which provisions this Act shall be sufficient to indemnify the Company or their servants, or those by them employed, for what they or any of them shall do in pursuance of the powers granted by this Act.

Mode of lay-
ing and dis-
tinguishing

XV. And be it enacted, That the main pipes that shall be laid down by the New

City Gas Company of Montreal shall be at the pipes of
least three feet distant from the main pipes the Company
of the Montreal Gas Light Company, and at from those of
any other Gas
a like distance from the main water pipes be- Company,
longing to the Corporation of Montreal, or and the dis-
tance there
when such shall be impracticable, then as shall be be-
tween them.
nearly so as the circumstance of the case will
admit, and that the said main pipes shall
have the initials of the Company cast upon
each of them; and also, the ends of the ser-
vice pipes and stopcocks, which shall appear
in the cellars of the houses or buildings to
be supplied with Gas, shall be legibly and
permanently stamped or marked with the
initials of the said Company, to distinguish
them from those of the Montreal Gas Light
Company, under a penalty of five pounds
currency for each offence or neglect thereof,
which penalty shall be paid to the Montreal
Gas Light Company, and be recovered by
civil action in Her Majesty's Court of Queen's
Bench for the District of Montreal: Provided
always, that if any difference shall arise be- Proviso: made
tween the Montreal Gas Light Company and of settling dis-
putes between
the company
and any other
Gas Company.
the New City Gas Company, or any other
Company established or to be established in
the City of Montreal, as to the practicability
of either Company so laying its pipes that
they shall be at the distance of at least three
feet from those of the other Company, then
such difference shall be decided by the Sur-
veyor of the said City, who if he shall be of
opinion that it is not practicable to lay the
pipes at such distance as aforesaid, shall di-

rect the mode in which the pipes of the respective Companies shall be laid at such place, and the distance at which they shall be apart, not exceeding the distance aforesaid; Provided always, that an appeal shall be from any such decision of the said Surveyor to the Mayor's Court of the said City of Montreal, at any sitting of the said Court, held after the day on which the decision of the said Surveyor shall be notified to the parties.

Location of
Gas Works.

Company to
obey health
regulations.

Works to be
subject to vis-
itation.

Penalty to
disobedience.

XVI. And be it enacted, that the said Company shall so construct and locate their Gas Works, and all apparatus and appurtenances thereunto appertaining or therewith connected, and wheresoever situated, as in no wise to endanger the public health or safety; and for the purpose of better ensuring the due execution of the provisions of this section, the said Company shall, with regard to the construction of such part of their said Gas Works as shall lie within the City of Montreal, be subject and bound by the existing By-laws of the Council of the said City for insuring the public health, safety and convenience of the inhabitants thereof; and the said Gas Works, apparatus and appurtenances, or so much thereof as shall be within the said City, shall nevertheless be at all reasonable times subject to the visit and inspection of the Municipal Authorities thereof, or their officers, reasonable notice thereof being previously given to the said Company, and the said Company, and their

servants, or workmen, shall at all times obey all just and reasonable orders and directions they shall receive from the said Municipal Authorities in that respect, under a penalty of not more than five pounds, nor less than one pound currency for each offence, in refusing or neglecting to obey the same, to be recovered from the said Company, at the suit and for the use of the Mayor, Aldermen, and Citizens of the City of Montreal, in any Court of competent Civil Jurisdiction, except the Court constituted under and by virtue of any Act incorporating the City of Montreal.

XVII. And be it enacted, That in case If the Company neglect to perform certain work, the same may be done by the City Surveyor at their cost. the said Company shall open or break up any street, square, or public place in the said City, and shall neglect to keep the passage of the said street, square, or public place, as far as may be, free and uninterrupted, or to place guards or fences, with lamps, or to place watchmen, or to take every necessary precaution for the prevention of accidents to passengers and others, or to close and replace the said street, squares or public places, without unnecessary delay, as hereinbefore provided, the City Surveyor, under the direction of the said Council of the City, after notice in writing to the said Company shall cause the duty so neglected to be forthwith performed, and the expense thereof shall be defrayed by the said Company, on its being demanded by the City Surveyor, at any time not less than one month after the work

How such
cost shall be
recoverable.

shall have been completed in any case, from the Cashier or Treasurer, or any Director of the said Company, or in default of such payment, the amount of such claim shall and may be recovered from the said Company, at the suit of the Mayor, Aldermen, and Citizens of the City of Montreal, by civil action in any Court of competent jurisdiction.

Penalty for
using Gas, &c,
without the
consent of the
Company.

XVIII. And be it enacted, That if any person or persons shall lay or cause to be laid, any pipe or main to communicate with any pipe or main belonging to the said Company, or in any way obtain or use its Gas without the consent of the Directors, or their officer appointed to grant such consent, he, she or they shall forfeit and pay to the said Company the sum of Twenty-five pounds, and also a further sum of One Pound for each day such pipe shall so remain, which said sum, together with the costs of suit in that behalf incurred, may be recovered by civil action in any Court of competent Civil Jurisdiction.

Penalty for
injuring or
destroying the
works, &c.

XIX. And be it enacted, That if any person or persons shall wilfully or maliciously break up, pull down, or damage, injure, put out of order, or destroy any main pipe, pipe, or other works or apparatus, appurtenances or dependencies thereof, or any matter or thing already made and provided, or which shall be made and provided for the purposes aforesaid, or any of the materials used and provided for the same, or ordered to be erected

laid down, or belonging to the said Company, or shall in any wise wilfully do any other injury or damage, for the purpose of obstructing, hindering or embarrassing the construction, completion, maintaining or repairing of the said works, or shall cause or procure the same to be done, or shall increase the supply of Gas agreed for with the said Company, by increasing the number or size of the holes in the Gas burners, or otherwise wrongfully, negligently or wastefully burning the same, or by wrongfully or improperly wasting the Gas, every such person or persons shall be guilty of a misdemeanor, and on conviction thereof, the Court before whom such person shall be tried and convicted shall have power and authority to condemn such person to pay a penalty not exceeding ten pounds currency, or be confined in the Common Jail of the District for a space of time not exceeding three months, as to such Court shall seem meet.

Or increasing supply of Gas &c., without permission.

XX. And be it enacted That should the Mayor, Aldermen, and Citizens of the City of Montreal, decide as they are hereby empowered to do, upon taking the whole of the Stock of the said Company, the Shareholders therein be, and they are hereby declared to be bound to surrender and transfer the whole of their respective shares unto the said Corporation of the City of Montreal upon the terms and conditions hereinafter set forth, that is to say: that the said Corporation shall pay such an advance upon

Corporation of the City of Montreal may assume the whole stock and property of the Company.

Conditions.

shares as will cover the interest on the instalments paid previously to the works of the Company having gone into operation, as well as any other loss of interest which the said Shareholders may have sustained by reason of the dividends not having been equal to the legal interest of this Province; and that they consent and agree that the charge to be made to consumers of Gas shall not exceed such price as will be sufficient to produce a net profit on the works of eight per centum per annum: And if the said Corporation shall so purchase the whole of the Stock of the said Company, they may in that case pay for the same out of the funds at their disposal not specially appropriated, or may raise money by loan, or by debentures in like manner as they are empowered to raise money which they are duly empowered to borrow for any other purpose: Provided always, that the said Corporation to be entitled to exercise the power hereby given them of taking the whole of the said Stock as aforesaid, shall take the same within ten years after the passing of this Act; and in the event of their taking the same, the said Corporation shall be and is hereby bound to fulfil all engagements which the said Company may have previously entered into in respect of the carrying on the business of the said Company, as well as its engagements with mechanics, workmen, servants and others, and the said Company shall in all those respects be entirely relieved, ex-

Proviso: further conditions.

onerated, and held harmless from all claims, damages and demands of all person or persons as aforesaid, by the Corporation of the said City of Montreal; and generally the said Corporation shall have all the rights and be subject to all the liabilities of the said Company imposed by this Act or lawfully contracted under it.

XXI. And be it enacted, That nothing in this Act contained, shall extend or be construed to extend to prevent any person or persons, body politic or corporate, from constructing any works for the supply of Gas to his or to their own premises, or to prevent the Legislature of this Province at any time hereafter from altering, modifying, or repealing the powers, privileges or authorities hereinbefore granted to the said Company, or from incorporating any other Company for like purposes.

This Act not to affect the incorporation of any other Company, &c.

XXII. And be it enacted, That nothing herein contained shall affect, or be construed to affect in any way or manner whatsoever, the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or of any body or bodies corporate or collegiate, such only excepted as are herein mentioned.

Rights not mentioned not to be affected.

XXIII. And be it enacted, That the Gas Works hereinbefore mentioned, shall be in operation within five years from the passing of this Act, that in default thereof, the privileges and advantages granted by this Act to the said Company shall cease and be of no effect.

Works to be in operation in five years.

Public Act.

XXIV. And be it enacted, That this Act be and is hereby declared to be a Public Act, and that the same may be construed as such in Her Majesty's Courts in this Province.

Duration.

XXV. And be it enacted, That this Act shall be and remain in force for fifty years and no longer.

this Act
Public
trued as
his Pro-

this Act
y years

AN ACT
TO
AMEND THE FOREGOING ACT,
AND
TO EXTEND THE POWERS OF THE SAID
COMPANY,

[12 *Victoriæ*, Cap. 183.]

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ANNO DUODECIMO
VICTORIÆ REGINÆ.

CAP. CLXXXIII.

An Act to amend an Act incorporating *The New City Gas Company of Montreal*, and to extend the powers of the said Company.

[30th May, 1849.]

WHEREAS it is expedient to amend an Preamble.
Act of the Parliament of this Province, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to incorporate the New* Act 10 and 11
Vic. c. 79.
City Gas Company of Montreal; And whereas the said New City Gas Company have petitioned that the said Act be amended, and it appears that the said Company have in accordance with the provisions of the said Act, increased the Capital Stock to the sum of fifty thousand pounds currency, and they have prayed to be empowered to create a still further increase in the amount of Capital Stock: Be it therefore enacted by the

Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Capital Stock of the said Company, by a vote of the majority of the Stockholders to be present at any General Meeting to be called for that purpose, may notwithstanding any thing in the said Act hereby amended contained, be increased by the sum of twenty-five thousand pounds currency, or such less sum as may be resolved on, over and above the sum of fifty thousand pounds currency, to which sum the present Capital Stock of the said Company amounts, making the entire amount to which the said Capital Stock may extend, the sum of seventy-five thousand pounds currency, and the said sum of twenty-five thousand pounds currency, shall be divided into two thousand five hundred shares of ten pounds currency each, and may be raised either by the present shareholders, by voluntary subscription among themselves, or by the admission of new members, or in both those ways, and the said Stock shall be payable by such instalments, at such times and in such propor-

The Capital
Stock of the
Company may
be increased
by an amount
not exceeding
£25,000.

tions and manner and after such notice, and with or without interest from the days on which payment is required, as the Directors of the said Company shall see fit to direct; such calls, nevertheless, to be subject to the restrictions and limitations contained in the eleventh section of the Act hereby amended.

II. And be it enacted, That the said additional Capital Stock to be so raised as aforesaid, shall be considered as part of the original Capital Stock of the said Company and shall, as well as the subscribers therefor and owners thereof, be subject to all and every the same provisions, enactments and penalties in all respects, as well with reference to the payment and enforcing the payment of calls, as to the forfeiture of shares on non-payment of calls or otherwise, as are contained in the Act hereby amended, and are thereby made applicable to the original Capital Stock of the said Company, and each and every of the said enactments and provisions shall apply to the additional Capital hereby authorized to be raised, and payment of the said calls shall and may be enforced, and the penalties incurred in all respects, in the same manner as provided in the Act hereby amended, save and except in so far as may be otherwise provided in this Act with respect to such payments, penalties and forfeitures or otherwise.

Additional capital to be deemed part of the original stock.

III. And be it enacted, That the whole amount of additional Stock to be raised as aforesaid, shall, after the payment of all

To what purposes such additional capital shall be applied.

necessary and incidental expenses, be expended in payment of any claims due by the said Company for any property or works now acquired or in progress, or shall be applied in extending, and improving the works of the Company, or in erecting any new works that may be necessary from time to time for furnishing a supply of Gas to the City and suburbs of Montreal, agreeably to the purposes and intendment of this Act and the Act hereby amended.

Non liability
of Share-
holders.

VI. And be it enacted, That no Shareholder in the said Corporation erected by the Act hereby amended, and herein spoken of, shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the said Corporation, beyond the amount of his, her or their subscribed share or shares in the Capital Stock of the said Corporation.

Company may
borrow money
and pledge
their property.

V. And be it enacted, That it shall and may be lawful for the Company to borrow, either in this Province or out of it, and either in sterling money or currency, and at such rate of interest even exceeding six per cent. as the Directors may from time to time agree upon, on mortgage, bond, debenture, or such sums of money, from time to time, as shall not exceed in all the sum of twenty thousand pounds currency, and if, after having borrowed the whole or any part of such money, the Company pay off the same, it shall be lawful for them again to borrow the amount so paid off, and so, from time to time, to

reborrow, provided that the whole amount borrowed do not at any one time exceed the sum of twenty thousand pounds currency, and for securing the repayment of the money so borrowed, with interest, it shall be lawful for the said Company to mortgage, secure and assign real estate, works, rates, revenues and rents, and the future calls on the Shareholders of the Company, or to give bonds or debentures in such manner as shall appear most expedient, payable either in currency or sterling money, and either within or without this Province, and such bonds, debentures or other securities to be granted, may be made payable to bearer, or made transferable by simple endorsement or otherwise as the Directors see fit. Provided Proviso: no debenture to be for less than £100. always, that no such bond, debenture or other security shall be made or granted for a less sum than one hundred pounds currency.

VI. And be it enacted, That the respective obligees, in such bonds or debentures, whereby the rents, revenues or future calls, or payments due to the said Company, shall be secured, shall proportionally, according to the amount of moneys secured, hereby be entitled to be paid out of the rents, revenues or future calls of the Company, the respective sums in such bonds or debentures mentioned, and thereby intended to be secured, without any preference one above another, by reason of priority of date of any such bond or debenture; or of the meeting

at which the same was authorized or otherwise howsoever; and no such bonds or debentures, although they should comprise future calls on Shareholders, shall preclude the Company from receiving and applying such future calls to the purposes of the Company, so long as the money due on all such bonds or debentures does not exceed the amount of all the calls still remaining unpaid.

Directors may empower the President, &c. to sign bonds, notes, mortgages, &c.

VII. And be it enacted, That notwithstanding any thing in the Act hereby amended contained, it shall and may be lawful for the Directors of the said Company, from time to time, and as often, and when they shall see fit, without the formality of passing a By-law to that effect, specially by a resolution to that effect to be entered upon the books of the said Company, to authorize the President and Vice-President, or any two or more of the Directors of the said Company, to sign such particular bonds, mortgages, contracts or instruments as it may in the opinion of the Directors be necessary or expedient so to sign, and to affix the Common Seal of the said Company thereto; and it shall also be lawful in like manner, for the President and Vice-President or any two or more Directors, to be from time to time authorized as aforesaid, to draw, sign or accept such particular promissory notes, or bills of exchange, for the purposes of the said Company without seal, as it may, in the opinion of the Directors, be necessary or expedient so to sign, and all

such bonds, contracts, mortgages and instruments so signed and sealed by the persons authorized as aforesaid, and all such notes and bills so signed, drawn or accepted by the persons authorized as aforesaid, shall be valid and binding on the said Company, and be held to be the act and deed of the said Company: Provided that no bond, bill or other instrument, signed or signed and sealed by any such Officer or Officers of the said Company, shall be of any force or effect or binding upon the said Company, unless the same shall have been so signed or signed and sealed under the authority of the Directors by a resolution as aforesaid, nor in any action, suit or proceeding, to which the said Company shall be a party, shall the election of the President, Vice-President or Directors of the said Company, be liable to be questioned by any party except the said Company, nor shall it be necessary for the Company in any suit, to prove the election or appointment or authority of any President or Vice-President or any Director, but the same shall be presumed, unless disputed by the said Company: And provided also, that in any action, suit or proceeding on any such bond, bill, note, contract or other instrument so signed or signed and sealed as aforesaid, or in which the said Company may be engaged, copies of the Minutes of Proceedings and Resolves of the Proprietors of Shares of the Capital Stock of the said Company at any

Proviso :
no other
bonds, &c.,
to be valid :
authority of
persons sign-
ing to be ques-
tioned only by
the Company.

Copies of cer-
tain papers at-
tested on oath
to be a
evidence.

General or Special Meeting, or of the Directors at their Meetings, extracted from the Minute Book or Books kept by the Secretary of the Company, and by him duly certified on oath before a Judge of one of Her Majesty's Courts of Law in Lower-Canada, or before a Commissioner duly authorized to take affidavits to be used in the Court in which such action, suit or proceeding is brought to be true Copies extracted from such Minute Book or Books, and bearing the Seal of the said Company, shall be held as conclusive evidence of the facts therein stated, as well as of the election of any President, Vice-President or Director therein named.

Validity of
Acts not to be
affected by
certain
defects, &c.

VIII. And be it enacted, That all acts done by any meeting of the Directors, or by any person acting as a Director shall, notwithstanding it shall afterwards be discovered that there was some defect or error in the appointment or qualification of any person attending such Meeting as a Director or acting as aforesaid, be as valid as if such person had been duly appointed and was qualified to be a Director.

What number
of Directors
shall retire
annually.

IX. And in amendment of the fourth Section of the said Act, Be it enacted, That only four out of the thirteen Directors shall retire each year, and the order of retirement of the thirteen now in the office shall be decided by lot before the next Annual Meeting, and thereafter they shall retire by rotation, and the Annual Election shall take place

only for four Directors instead of thirteen as provided by the said Act; Provido. Provided always, that all Directors retiring at any time shall be eligible for re-election.

X. And be it enacted, That notwithstanding any thing in the said Act hereby amended Stockholders not to vote on stock held less than 6 months contained, it shall not be lawful for any Stockholder at any Meeting to vote on any Stock which shall not have been held in his own name, or the name of a firm in which he may be a partner, or by the party for whom any person shall vote by proxy, for at least six months previous to the time at which such vote may be sought to be given; nor shall it be lawful for any Stockholder As to Stockholders indebted to the Company. who is or shall become indebted to the Company for Gas, rent, fixtures or otherwise, to transfer any shares of Stock held by him until payment be made to the Company of all sums of money due by such Stockholder.

XI. And be it enacted, That the Company Dividends not to affect the Capital Stock. shall not make any dividend whereby their Capital Stock will be in any degree reduced, nor shall any dividend be paid in respect of any Share until all calls then due in respect of that or any other Share held by the person to whom such dividend may be payable shall have been paid; and it shall be lawful for the Company to deduct from the amount of dividend payable to any person who may not have paid the instalments on the day the same were respectively called for, on any Shares at any time owned by him, such sum as would be equal to interest on the unpaid

call or calls from the time at which the same ought to have been paid, until the time when the same was or were actually paid, or to the period of payment of the first dividend from which such interest may be deducted and reserved by the Company.

Directors may declare forfeiture of shares in certain cases.

XII. And be it enacted, That notwithstanding anything in the said Act hereby amended contained, it shall and may be lawful for the Directors of the said Company to declare all shares of Stock on which any instalments and penalties may be or remain unpaid during the period mentioned in the eleventh Section of the Act hereby amended, forfeited to the said Company, and it shall not be necessary to have such shares declared forfeited at any special meeting of the Shareholders of the said Company, it being hereby provided and declared that a resolution of the Directors shall cause the said shares to be as absolutely forfeited as if a resolution of the Shareholders were passed in the manner required by the said Act, and such shares shall or may be sold as provided by the said Act, but the proceeds of such sales shall not be paid over except after deduction as well as of the costs and forfeitures mentioned in the said Act, as of all calls due in respect of such shares and interest thereon from the times at which such calls were respectively made payable, which calls and interest the said Company is hereby authorized first to deduct and retain, and all other provisions with respect to the effect of such

And such shares may be sold.

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forfeitures shall remain in as full force, virtue and effect, as if this Act had not been passed.

XIII. And be it enacted, That it shall be lawful for the Manager, Secretary or Clerk of the said Company, in all proceedings against the estate of any debtor, bankrupt or insolvent against whom the said Company may have claims, to represent the said, Company, to appear, act, prove, and vote in their behalf in all respects, as if such claim or demand were the demand of such Manager, Secretary or Clerk of the said Company.

Manager, &c.,
to represent
the Company
in certain
proceedings.

XIV. And be it enacted, that neither the service nor connecting pipes of the said Company, nor any meters, lustres, lamps, pipes, gas-fittings, or other property of any description whatsoever of the said Company, shall be subject or liable for rent nor liable to be seized or attached in any way by the possessor or owner of the premises wherein the same may be, nor be in any way whatsoever liable to any person for the debts of any person or persons to and for whose use or the use of whose house or building the same may be supplied by the Company, notwithstanding the actual or apparent possession thereof by such person or persons; any law, usages or custom to the contrary notwithstanding.

Pipes and
fittings of the
Company not
liable to
seizure in cer-
tain cases.

XV. And be it enacted, That the said Company shall have power and authority, and it shall be lawful for the said Company,

Company to
have power to
sell gas-
meters, sur-
plus materi-
als, &c.

to sell and dispose of gas-meters, gas-pipes, and gas-fittings of every description, for the use of private or public houses, or for any establishment, company, or corporation whatever, as well as coke, coal, and all and every the product and products of their work, refuse or residuum arising, or to be obtained from the materials used in or necessary for the manufacture of Gas, as well as to sell and dispose of any surplus lands or buildings belonging to the Company but not needed by the Company for the extension of the works, in such manner as the said Company may think proper, and that the said Company shall also have power and authority to let out at hire gas-meters and gas-fittings of every kind and description, as such rates and rents as may be agreed upon between the consumer and tenant and the said Company.

Penalty for
wilful damage
to meters, &c.

XVI. And be it enacted, That if any person shall wilfully damage, or cause or knowingly suffer to be damaged any meter, lamp, lustre, service pipes, or fittings belonging to the said Company, or shall wilfully alter or impair, or knowingly suffer the same to be altered or impaired, so that the meter or meters shall indicate less Gas than actually passes through the same, every such person or persons shall incur a penalty to the use of the said Company, for every such offence, of a sum not less than one pound, nor exceeding five pounds, and shall also pay and defray all charges necessary for the repairing or

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replacing the said meter, pipes or fittings, and double the value of the surplus Gas so consumed; such penalties, damage and charges, to be recovered with costs in the manner hereinafter provided.

XVII. And be it enacted, That if any person shall wilfully extinguish any of the public lamps or lights, he shall forfeit and pay to the use of the said Company, for every such offence, a penalty not less than one pound or more than five pounds, and shall also be liable to make good all damages, and charges to be recovered with costs in the manner hereinafter provided.

Penalty for extinguishing lamps, &c.

XVIII. And be it enacted, That if any person shall carelessly or accidentally break down, or damage any meter, pipe, pedestal or lamp, supplied by or belonging to the Company or any persons, or keep the light or lights burning for a longer time than he shall contract to pay for, and shall not on demand make satisfaction to the Company, or to such person for the damage done, or for the excess of Gas obtained, and used, such damage, loss or value may be recovered by the Company, with costs, in the manner hereinafter provided.

As to careless or accidental breakage or damage.

XIX. And be it enacted, That if any person or persons, whether principal or workmen or party employing such, shall join or connect any pipe to the main or service pipes of the said Company, or shall in any way lay, join or connect any pipe for the supply of any new light or burner, to any pipe,

Penalty for connecting pipes with the Company's main without permission.

whatsoever, containing Gas, without having first received the consent of the Company or their Agent in writing, then such person or persons or party employing such, shall for every offence forfeit and pay to the said Company the sum of twenty-five pounds currency, and also a further sum of one pound for each day such pipe shall so remain, or be imprisoned for the term of one calendar month in the Common Gaol.

Provisions for
the recovery
of moneys due
to the Com-
pany for gas
rent.

XX. And be it enacted, That if any person or persons, Company or Companies, or Body Corporate, supplied with Gas by the Company, shall neglect to pay any rate, rent or charge due to the said New City Gas Company, at any of the times fixed for the payment thereof, it shall be lawful for the Company, or any person acting under their authority, on giving twenty-four hours previous notice, to stop the Gas from entering the premises, service pipes or lamps of any such person, Company or Body, by cutting off the service pipe or pipes, or by such other means as the said Company shall see fit, and to recover the said rent or charge due up to such time, together with the expenses of cutting off the Gas, in any competent Court, notwithstanding any contract to furnish for a longer time, and in all cases where it shall be lawful for the said Company to cut off and take away the supply of Gas from any house, building or premises, under the provisions of this Act, it shall be lawful for the Company, their agents and

Company may
cut off gas.

Power to en-
ter premises,
&c.

workmen, upon giving twenty-four hours previous notice to the occupier or person in charge, to enter into any such house, building or premises, between the hours of nine o'clock in the forenoon and four in the afternoon, making as little disturbance and inconvenience as possible, and to remove, take and carry away, any pipe, meter, cock, branch lamp, fittings or apparatus, the property of and belonging to the said Company; and it shall also be lawful for any servant of the said Company, duly authorized to enter any house into which Gas may have been or be taken, *at any time* for the purpose of repairing and making good, any such house, building or premises, or for the purpose of examining any meter, pipe or apparatus belonging to the said Company or used for supplying their Gas: and if any person or persons refuse to permit or do not permit the servants and officers of the said Company to enter and perform the acts aforesaid, Penalty for obstructing the Company in the exercise of the said right. every such person so refusing or obstructing shall incur a penalty to the said Company, for every such offence, of ten pounds currency, and a further penalty of one pound for every day during which such neglect, refusal or obstruction shall continue, to be recovered with costs as hereinafter provided.

XXI. And be it enacted, That all fines, Recovery of penalties imposed by this Act. penalties, and forfeitures imposed by this Act or by the Act hereby amended, may, notwithstanding any special provision with

Who may be
witnesses.

Fines, &c.,
how levied.

Interpretation
clause.

respect to any such fines, penalties or forfeitures, in the Act hereby amended, be sued for and recovered with costs by the said Company to and for their own use, or by any person whose property may be injured, to and for the use of such person or persons, either in the manner directed in the said Act, or before any one or more Justices of the Peace for the District of Montreal, on the oath of any one credible witness, although such witness be a servant in the employ of the said Company, and in all actions authorized by this Act, or by the Act hereby amended, to be instituted or contemplated therein, the evidence of one credible witness shall be received as sufficient, notwithstanding such witness may be in the employ of the said Company, and all such actions shall be brought in Courts having jurisdiction over the amount involved in such suit, unless otherwise specially provided and authorized by this or the said Act, and where damage as well as a penalty may be given, such damage and penalty may be sued for separately; and such fines, penalties and damage may be levied by distress from the goods of the defendant, and in case the defendant may have no goods to satisfy the same, then he shall be committed to the Common Gaol for such period, not exceeding two months, as the Justice or Court may direct.

XXII. And be it enacted, That the word "Lands" in this Act and the said amended

Act, shall include all lands, tenements, and hereditaments, and real and immoveable property whatsoever; and the word "Company" in the said Acts shall mean the Corporation erected in the said Act hereby amended, and in this Act spoken of, unless otherwise expressly indicated by the context, and all words importing the singular number or the masculine gender only, shall extend to more than one person, party or thing, and to females as well as males, and the words "Shareholder" or "Stockholders," shall include the heirs, executors, administrators, curators, legatees or assigns of such Shareholders, or any other party having the legal possession of any share, whether in his own name or that of any other, unless the context shall be inconsistent with such construction; and whenever power is by this Act given to do any thing, power shall be intended also to do all things which may be necessary to the doing of such things, and all acts which the Directors or Stockholders are authorized to perform and do, shall or may be validly performed and done by a majority of the Directors or a majority of the quorum of the Directors or of the Stockholders respectively, as the case may be, unless where otherwise expressly provided; and generally all words and clauses herein shall receive such liberal and fair construction as will best insure the carrying into effect of this Act, according to its true intent and spirit.

Public Act.

XXIII. And be it enacted, That this Act shall be deemed a Public Act, and as such judicially noticed by all Judges, Justices and others whom it may concern, without being specially pleaded.

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NEW

AN ACT
TO ENABLE THE
NEW CITY GAS COMPANY OF MONTREAL
TO
INCREASE THEIR CAPITAL STOCK.
[23 Victoria, Cap. 25.]

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ANNO VICESIMO-TERTIO.
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C A P. C X X V.

*An Act to enable the New City Gas Company
of Montreal to increase their Capital Stock.*

[Assented to 19th May, 1860.]

WHEREAS the New City Gas Company ^{Preamble.}
of Montreal have, by their Petition
to the Legislature, represented, that, under
the provisions of the Act passed in the
twelfth year of Her Majesty's Reign, and
chaptered one hundred and eighty-three,
they have increased their Capital Stock to
the sum of three hundred thousand dollars,
being the full amount to which they were
authorized by the said Act to increase the
same, but that a further extension of their
works and increase of their capital is neces-
sary, in order to enable them to meet the
wants of the Public, and have prayed to be
authorized further to increase their Capital
Stock as hereinafter provided ; and it is ex-

pedient to grant the prayer of their Petition ; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Company may increase their capital to \$600,000 in shares of \$40 each.

1. Notwithstanding any thing in the Act above mentioned, or in the Act incorporating the said Company, the Capital Stock of the said Company may, by a vote of not less than two-thirds in amount of the Stockholders, to be present at a general meeting, to be called for that purpose, be increased by the sum of three hundred thousand dollars, or such less sum as may be resolved on, over and above the sum of three hundred thousand dollars, to which sum the present Capital Stock of the said Company amounts, making the entire amount, to which the said Capital Stock may extend, the sum of six hundred thousand dollars ; and the said sum of three hundred thousand dollars shall be divided into seven thousand five hundred shares of forty dollars each, and may be raised either by the present Shareholders, by voluntary subscription among themselves or by the admission of new members, or in both those ways ; and the said Stock shall be payable by such instalments, at such times and in such manner and after such notice, and with or without interest from the days on which payment is required, as the Directors of the said Company may see fit to direct ; such calls, nevertheless, being subject to the restrictions and limitations contained in the eleventh section of the Act

Instalments and calls.

incorporating the said Company, as amended by the Act first above cited.

II. The additional Capital Stock, to be so raised as aforesaid, shall be considered as part of the original Capital Stock of the said Company, and shall, as well as the subscribers therefor and the owners thereof, be subject to all and every the same provisions, enactments and penalties in all respects, as well with reference to the payment and enforcing the payment of calls as to the forfeiture of shares on non-payment of calls or otherwise, as are contained in the said Act incorporating the said Company, as amended by the Act first above cited; and each and every the said enactments and provisions shall apply to the additional capital hereby authorized to be raised, and payment of the said calls, and the penalties incurred for non-payment, shall and may be enforced in all respects in the same manner as provided by the said Acts.

III. The whole amount of the additional Capital Stock to be raised as aforesaid shall, after the payment of all necessary and incidental expenses, be expended in payment of any claims due by the said Company for any property or works now acquired or in progress, or shall be applied in extending and improving the works of the Company, or in erecting any new works that may be necessary, from time to time, for furnishing a supply of Gas to the City and Suburbs of

Additional capital to be considered part of original stock, and provisions of 10, 11 V. c. 79, and 12 V. c. 183 to apply.

Application of new capital.

Montreal, agreeably to the purposes of the
Acts aforesaid.

Public Act.

IV. This Act shall be deemed a Public
Act.

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THE Shareholders to vote at any Annual or Special Meeting, in accordance with the following

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See Section IX of the Act to Incorporate the New City Gas Company of Montreal.

N

AN ACT
TO AMEND THE CHARTER OF THE
NEW CITY GAS COMPANY OF MONTREAL
AND
THE OTHER ACTS AMENDING THE SAME.

[36 *Victoria, Cap. 61.*]

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CAP. LXI.

36 VIC.

An act to amend the Charter of the New City Gas Company of Montreal, and the other acts amending the same.

[Assented to 24 December, 1872.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

I. That portion of the first section of chapter seventy-nine, of the tenth and eleventh Victoria, containing the words "one thousand pounds currency," is hereby repealed, and the following words, "ten thousand pounds currency" are substituted thereto and inserted in their place, to have force and effect from and after the coming into force of the present act. Sec. 1, of 10, 11, V., c. 79, amended.

II. That portion of the second section of chapter seventy-nine of the act last mentioned, containing the word "fifteen" is hereby repealed, and the following words, "one hundred" are substituted thereto and inserted in its place, to have force and effect from and after the passing of this act. Sec. 2, of said act, amended.

Sec. 4, of said
act, amended.

III. The fourth section of said chapter seventy-nine, is amended as follows: the words "on the first Monday in March, in each year thereafter," in the third and fourth lines, are hereby repealed and the following substituted thereto: "on the first juridical day in the first week of the month of April in each year, from and after the passing of the present act."

Same sec. fur-
ther amended.

IV. The words "thirteen persons being each proprietors of not less than ten shares" in the sixth line of the same section, are hereby repealed, and the following inserted in their place: "and after a previous notice, to be given to that effect under the signature of either the president, vice-president or secretary of the said company, to be published for the period of two weeks, once a week, in a French and English paper in the city and district of Montreal, not less than nine and not more than thirteen persons being each a proprietor of not less than twenty-five shares."

Same sec. fur-
ther amended.

V. The word "thirteen" between the words "which" and "Directors" in the eighth line of same section four is struck out.

Sec. 6, of said
act, amended.

VI. The sixth section of the said chapter seventy-nine, 10th and 11th Victoria, is amended as follows: The words "on the first Monday in the month of March in each year," (in the second and third lines of said section), and the words "on the first Monday in March," which are in the proviso

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of the same section, are hereby struck out, and the following words inserted: "on the first juridical day of the month of April."

VII. The following words in the ninth section of said chapter seventy-nine of the said act (10th and 11th Victoria,) "and no stockholder shall be allowed to hold more than five hundred shares," are hereby repealed, and the following are substituted thereto and inserted in their place: "every stockholder shall have the right, from and after the passing of this act, to hold an unlimited number of shares in the capital stock of the said company." Sec. 9, of said act, amended

The twenty-fifth section of the Act, 10 and 11 Victoria, chapter seventy-nine, shall apply to this Act, for the period which still remains to elapse, under the provisions of said section. Sec. 25, of said act, to apply.

VIII. The twentieth section of the act twelfth Victoria, chapter one hundred and eighty-three is hereby amended as follows: the words "between the hours aforesaid" are hereby repealed and the following are inserted in their place: "at any time." Sec. 20, of 12 V., c. 183, amended.

IX. Notwithstanding anything to the contrary which may be contained in the several acts of parliament above mentioned and in the act twenty-third Victoria, chapter one hundred and twenty-five, the capital stock of the said company from and after the passing of this act, may, by a vote of two-thirds in amount of the stockholders to be present at a special meeting to be called for that pur- 23 V., c. 125. Increase of capital stock.

Increase of
capital stock.

pose, be increased to a sum of four millions of dollars, but to no greater sum; and such new stock shall be divided into shares of forty dollars each, and may be subscribed either by stockholders for the time being, by voluntary subscription amongst themselves, or by admission of new members, or in both those ways at once, on such terms and conditions as may be decided upon by the shareholders at any general or special meeting.

Extension of
works to ad-
jacent locali-
ties.

X. It shall be lawful for the said company to extend their works to the municipalities adjacent to the city of Montreal, on obtaining the consent of such municipalities to that effect.

Corporation in
certain cases
may enjoin
upon the com-
pany to intro-
duce gas into
any other
street, &c.

XI. In future, whenever by petition, it shall be represented to the corporation of the city of Montreal, by any number of the inhabitants of any street in the said city, into which gas has not been introduced, and which shall be adjacent to any other street or public square, into which gas has been introduced, that they require the introduction of gas into such street, (wherein it is not), as well for the lighting of the said street as for the lighting of their houses, it shall be lawful to the said corporation of Montreal to take such petition into consideration and to apply to the said gas company and to furnish it with a statement showing the course of such street into which the introduction of gas is asked and acquainting it with the names of the inhabitants who have made the demand for gas, the plans in the street where

gas must be supplied, and to obtain from the company within a reasonable delay, (and the gas company shall be bound to grant it,) a statement of the approximate cost of the introduction of gas and of the work which the same will necessitate upon the line indicated, and if it appears to the corporation of Montreal by the facts set forth that the said gas company should derive a reasonable and satisfactory profit on the expenditure which it would be obliged to make to introduce the gas into such street on the line set forth and to maintain and distribute the same, then and in such case it shall be lawful for the council of the said corporation of the city of Montreal to pass a resolution ordaining that it is advisable to enjoin upon the said gas company to introduce gas throughout the street with respect to which the said representation shall have been made by the said inhabitants, on a line which shall be pointed out; provided always that such resolution of the council shall be adopted by at least two-thirds of all the members thereof. And, if after such resolution shall have been passed, the said corporation of Montreal intend to give effect thereto, it shall proceed in manner following: it shall on the vote of at least two-thirds of all the members of the council thereof authorize the city clerk to cause an authentic copy of the said resolution to be served upon the said gas company, together with a notice on the part of the said corporation of Montreal, and which shall

Proviso.

Notice to gas company.

be signed by such clerk by *Acte* before a notary, requiring the said gas company to introduce gas into the street in question, on a line which shall be set forth in the notice.

Obligation of the company thereupon to furnish the gas.

XII. And in the twelve months, following the service of the said resolutions and notice upon the said gas company, it shall be obliged (if it be not relieved from such obligation by means of the petition hereinafter mentioned) to introduce gas throughout such street, on the line which shall be indicated, provided always that if the said gas company be injured by such requisition which shall be so made by the corporation of Montreal, it shall be lawful thereto, within the thirty days next after the service of the said resolutions and notice to present before any of the judges of the superior court for Lower Canada, in the district of Montreal, a summary petition praying the cancelling or modification of the requisition so made by the said corporation of Montreal; such petition shall contain the grounds upon which the cancelling or modification of the said requisition is asked and shall be served upon the said corporation of Montreal at least four days before it is presented to the judge. The judge to whom such petition is presented shall receive the written or verbal answer which the corporation of Montreal shall make thereto, may take into consideration the various facts and circumstances which relate to the said company in the carrying out of the charter thereof in the said city, with the view of

Company may petition against corporation.

establishing whether the gas company should or should not execute the works demanded, and shall render his decision either maintaining the requisition of the corporation of the city of Montreal, or cancelling or modifying the same; and he may award such costs as he shall deem meet and he shall tax the same, and such decision shall be final and without appeal, provided always that after the said petition in appeal shall have been presented to any of the said judges, any other judge shall have also power to take such petition into consideration and decide thereon, in the same manner as if he had himself received such petition at the time of its presentation.

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